

DETAILED ACTION

Applicant's amendment, filed 02/23/2011, has been entered.

Claims 3-8, 11-16, 18-28, 32, 34-40, 42-45, 52-53 and 60-82 have been canceled.

Claims 1-2, 9-10, 17, 29-31, 33, 41, 46-51, 54-59 are pending.

Claims 29-31, 33, 41, 46-47, 55-59 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Inventions, there being no allowable generic or linking claim.

Upon further consideration, claims 29 and 59 are being rejoined with the composition claims.

Claims 1-2, 9-10, 17, 29, 48-51, 54 and 59 are currently being allowed in conjunction with the following Examiner's Amendment.

Double Patenting Withdrawn

In view of that the only rejection remaining is the provisional non-statutory obviousness-type double patenting over the co-pending Application 11/997,650 which has a later filing date than the present application, the previous provisional non-statutory obviousness-type double patenting rejection has been withdrawn.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jian Xiao on 03/04/2011.

The application has been amended as follows:

-- Claims 30. (canceled) --

-- Claims 31. (canceled) --

-- Claims 33. (canceled) --

-- Claims 41. (canceled) --

-- Claims 46. (canceled) --

-- Claims 47. (canceled) --

-- Claims 55. (canceled) --

-- Claims 56. (canceled) --

-- Claims 57. (canceled) --

-- Claims 58. (canceled) --

-- Claims 59. (currently amendment) A nucleotide sequence encoding a fusion protein of ~~claim 2~~ comprising: (a) a complement receptor 2 (CR2) or a fragment thereof, wherein the fragment contains at least the first two N-terminal short consensus repeat (SCR) domains of the CR2 protein; and (b) a modulator of complement activity, wherein the modulator comprises CD59. --

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Applicant's amendment, filed 02/23/2011 and Examiner's amendment set forth herein have obviated the previous provisional ODP rejection. Accordingly, the claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHARON WEN whose telephone number is (571)270-3064. The examiner can normally be reached on Monday-Thursday, 8:30AM-5:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571)272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharon Wen/

Primary Examiner, Art Unit 1644

March 4, 2011